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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SEAGATE TECHNOLOGY LLC
LITIGATION

CONSOLIDATED ACTION

No. 3:16-cv-00523-JCS

FURTHER JOINT CASE MANAGEMENT STATEMENT

DATE: August 31, 2018
TIME: 9:30 a.m.
DEPT: Hon. Joseph C. Spero
Courtroom G, 15th Floor

Complaint filed: May 9, 2016

The parties submit the further joint case management statement pursuant to the Standing Order for Judges of the Northern District of California and Civil Local Rule 16-9.

A case management conference is scheduled in this matter on August 31, 2018. The parties agree that a further case management conference is not needed at this time, and request that the conference be rescheduled for the same time as this Court's hearing on plaintiffs' renewed motion for class certification, or within 30 days of a ruling on the renewed motion. The parties propose that plaintiffs' renewed motion for class certification be set for hearing on Friday, January 11, 2019 or Friday, January 18, 2019.

I. JOINT CASE MANAGEMENT STATEMENT

1. Jurisdiction and Service

There are no outstanding issues regarding jurisdiction and service.

2. Facts

The parties have extensively discussed the facts in the prior motion for class certification and do not repeat them here.

3. Legal Issues

The parties have extensively discussed the legal issues in the prior motion for class certification and do not repeat them here.

4. Motions

Plaintiffs anticipate filing a renewed motion for class certification for a narrower class focused on common issues, or a class divided into subclasses. This Court entered the agreed upon schedule on August 7, 2018 (ECF No. 185). Plaintiffs will submit their renewed motion for class certification no later than October 15, 2018. Seagate will submit its opposition no later than November 16, 2018, and plaintiffs will submit their reply in support of the renewed motion no later than December 10, 2018. As set forth above, the parties propose that the hearing on plaintiffs' renewed motion be set for hearing on Friday, January 11, 2019 or Friday, January 18, 2019 at 9:30 a.m.

1 **5. Amendment of Pleadings**

2 To the extent necessary, plaintiffs will seek leave of court to amend the complaint to comply
 3 with any class certification order.

4 **6. Evidence Preservation**

5 Plaintiffs are unaware of any issues relating to evidence preservation at this time.

6 **7. Disclosures**

7 Both parties have complied with the initial disclosure requirements of Federal Rule of Civil
 8 Procedure 26.

9 **8. Discovery**

10 Plaintiffs anticipate serving additional – limited – discovery on a narrow set of sub-issues in
 11 response to the Court’s July 5, 2018 Order denying plaintiffs’ motion for class certification and
 12 giving leave to seek certification on a narrower class.

13 Pursuant to the Court’s Standing Order on May 25, 2018, Seagate certified it had produced
 14 all documents it agreed to produce in response to Plaintiffs’ five sets of document requests and the
 15 jointly-negotiated search terms, a process that took nearly two years and over a million dollars.
 16 Several months later, Plaintiffs now propose additional discovery. Seagate has not seen the proposed
 17 discovery, but reserves the right to object given the extraordinary expense of the discovery
 18 conducted to date. Seagate also requests that any such discovery be served promptly so any disputes
 19 can be resolved well ahead of the class certification deadlines.

20 **9. Class Actions**

21 The Court denied plaintiffs’ first motion for class certification on July 5, 2018. The court
 22 gave leave for plaintiffs to file a second motion seeking certification of a narrower class focused on
 23 common issues, or of a class divided into subclasses. Plaintiffs anticipate submitting a renewed class
 24 certification motion by October 15, 2018.

25 **10. Related Cases**

26 As previously reported by the parties, a putative class action containing similar allegations
 27 about Seagate’s 3TB hard drives is currently pending before Judge Karnow in San Francisco

1 Superior Court, *Pozar v. Seagate Technology LLC*, CGC-15-547787 (filed September 4, 2015)
 2 (alleging California class). Judge Karnow certified a California class under UCL and CLRA based
 3 on omissions. To the extent feasible, to avoid duplication and promote efficiency, the parties here
 4 have agreed to informally coordinate discovery with the *Pozar* matter. *Pozar* counsel participated in
 5 a number of depositions and discovery meet-and-confers, and in the settlement conference held with
 6 Magistrate Judge Corley on April 26, 2017. Seagate's motion for summary judgment in the state
 7 court matter is pending and set for hearing on November 19, 2018.

8 **11. Relief**

9 Plaintiffs seek damages based on Seagate's failure to disclose the unreliability of its drives.
 10 The exact amount of the damages will be addressed in plaintiffs' Rule 26 expert reports.

11 **12. Settlement and ADR**

12 On January 25, 2017 this Court entered a Notice and Order Regarding Settlement
 13 Conference. (ECF 97.) The parties participated in a conference with Magistrate Judge Corley on
 14 April 26, 2017 at 11:00 a.m. (ECF 98.) Plaintiffs remain open to resolving this dispute by settlement
 15 and intend to serve a renewed demand reflecting a narrowed class in the coming weeks.

16 Seagate has not heard from Plaintiffs for some time regarding settlement, but remains open to
 17 the possibility and awaits Plaintiffs' renewed proposal.

18 **13. Consent to Magistrate Judge for All Purposes**

19 The parties have consented to a Magistrate Judge for all purposes.

20 **14. Other References**

21 The parties do not believe the case is suitable for reference to binding arbitration, a special
 22 master, or the Judicial Panel on Multidistrict Litigation.

23 **15. Narrowing of Issues**

24 The parties are not aware of issues that can be narrowed by agreement or motion at this time.

25 **16. Expedited Trial Procedure**

26 The parties do not believe that this case can be handled under the Expedited Trial Procedure
 27 of General Order 64.

17. Scheduling

2 The parties submitted a case management statement with a proposed schedule for the
 3 renewed class certification motion. Following on this Court's ruling on class certification, the parties
 4 anticipate requesting a case management conference at which further deadlines, including summary
 5 judgment, the pretrial conference and trial will be set.

18. Trial

7 The case will be tried to jury. Plaintiffs believe it would be premature to propose the expected
 8 length of the trial until the outcome of class certification is known.

19. Disclosure of Non-Party Interested Entities or Persons

10 Plaintiffs are unaware of any non-parties (other than the absent class members) who have
 11 either (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or
 12 (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Professional Conduct

14 The parties have reviewed the Guidelines for Professional Conduct for the Northern District
 15 of California.

21. Other

17 The parties are unaware of any other matters that may facilitate the just, speedy and
 18 inexpensive disposition of this matter.

19 DATED: August 23, 2018

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4 DATED: August 23, 2018

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10 *Attorneys for Plaintiffs*

11 DATED: August 23, 2018

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18 *Attorneys for Defendant*

1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 I, Shana E. Scarlett, am the ECF User whose identification and password are being used to
3 file this Further Joint Case Management Statement. In compliance with Civil Local Rule 5-1(i)(3), I
4 hereby attest that all signatories have concurred in this filing.

5 Dated: August 23, 2018

6 By: /s/ Shana E. Scarlett
SHANA E. SCARLETT

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